

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-4, 6-16, 18-23, 25-32, 34, 35, and 37-40 are currently pending. Claims 2, 5, 17, 24, 33, 36, 38, and 39 have been canceled. Claims 1, 4, 6, 18, 19-23, 25-32, and 35 have been amended. Claim 41 has been added.

Claim 11 is objected and not rejected. Therefore, it is assumed that claim 11 would be allowable if the claim objection is overcome, and the claim is rewritten in independent form to include the base claim 1 and intervening claim 9. Therefore, claim 41 has been added to rewrite claim 11 in such independent form. Accordingly, it is respectfully submitted that claim 41 is allowable over the references of record.

Objection of Claims 1, 2, 4, 5, 6, 17, 19, 20, 24-26, 30, and 31

The objection to these claims are moot in view of the foregoing claim amendments. Therefore, it is respectfully requested that such objection be withdrawn.

It is not clear why the examiner believes that the term “physical” should be removed from line 4 of claim 12. It is respectfully submitted that the term “physical” is purposely used to distinguish a “physical sector” from a “logical sector” as claimed. Therefore, the removal of the term “physical” is not desired or required.

Rejection of claims 1-3, 5-8, 12-15, 17, 19, 20, 24, 31-36, and 39 under 35 USC 102(e) as being anticipated by Bassirat’729

As figures 2-4 illustrate, Bassirat shows a CDMA network environment wherein a number of base stations (and associated subscriber stations) from different service providers are located near each other. To alleviate the effects of interference that one base station of one service provider may have on another nearby base station of another service provider, Bassirat provides an RF repeater for each of the base stations. The RF repeater is used to re-transmit *both the uplink signals* from the associated subscriber station and/or other UEs to the base station (see col. 9, line 65 to col. 10, line 10) *and the downlink signals* from the base station to the UEs (see col. 9, lines 32-64). Accordingly, independent claims 1, 20, and 31 have been amended to further clarify and distinguish the claimed invention from Bassirat in that uplink communication signals are directly received by the base station from the UEs; whereas the base station uses a remote emitter to indirectly send downlink communication signals to the UEs, i.e., the base station transmits the downlink communication signals to the remote emitter, which then re-transmit such signals to the UE.

Accordingly, it is respectfully submitted that claims 1, 20, 31, and their dependent claims are allowable over the references of record.

Furthermore, regarding claims 15 and 17, it is respectfully submitted that Bassirat does not disclose a remote emitter with “physical layer processing” capability as claimed. Indeed, the section in Bassirat (col. 9, lines 11-16) as cited by the Examiner shows that Bassirat merely discloses a conventional RF repeater, i.e., the same type of RF repeaters disclosed as prior art in the present disclosure, for amplifying and re-transmitting the signal. Thus, there is no physical layer processing as claimed.

Rejection of claim 4 under 35 USC 103(a) by Bassirat'729 in view of Martin'311

It is respectfully submitted that the Examiner has not established a *prima facie* case of obviousness required for a 35 USC 103(a) rejection for at least the following reasons.

The reasons for allowance for amended claim 1 as stated above all apply here. Furthermore, the Examiner stated that it would have been obvious to one skilled in the art to employ Martin'311, presumably the unidirectional repeaters shown in Martin'311, in the CDMA network of Bassirat'729. It is respectfully submitted that such Martin's unidirectional repeaters are too rudimentary to be employed in the CDMA network of Bassirat and cannot be integrated into such CDMA network to make obvious the claimed invention.

Rejection of claims 9, 10, 16, 18, 21-23, 25-30, 37, 38, and 40 under 35 USC 103(a) by Bassirat in view of various other references

It is respectfully submitted that these claims are allowable for at least the foregoing reasons regarding the allowance for the independent claims 1, 20, 31 and their dependent claims.

Furthermore, regarding claim 18, Tiedemann'729 merely discloses techniques that enable the processing of multiple calls in a spread spectrum network. It does not disclose whether such techniques should be employed at a remote emitter. Furthermore, the Examiner identifies reference 104 in FIG. 2 as a remote emitter in Tiedemann'729; yet, the reference states that it is a base station (see at least column 4, line 27).

Conclusion

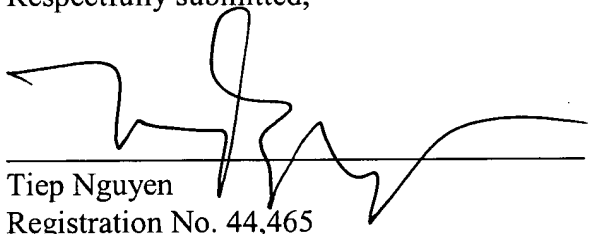
For at least all of the above reasons, it is respectfully submitted that the present invention is neither disclosed nor suggested by the references of record, and the claims now pending patentably distinguish the present invention from the references of record. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance are earnestly solicited upon the filing of a continuation.

Date: 1/6/2004

KILPATRICK STOCKTON LLP
607 14th Street, N.W., Suite 900
Washington, D.C. 20005
(202) 508-5800
GTM/THN/36609.250587/SAIC0031

Respectfully submitted,

By:


Tiep Nguyen
Registration No. 44,465